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**ATLANTIC COAST PIPELINE, LLC**  
**ATLANTIC COAST PIPELINE**  
**Docket Nos. CP15-554-000**  
**CP15-554-001**

**Plan for the Unanticipated Discovery of Historic Properties  
or Human Remains during Construction in Virginia**

*Rev. 3*

**Prepared by**



**January 9, 2018**

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## LIST OF ACRONYMS AND ABBREVIATIONS

ACP	Atlantic Coast Pipeline
Atlantic	Atlantic Coast Pipeline, LLC
Dominion Energy	Dominion Energy Transmission, Inc.
EI	Environmental Inspector
FERC	Federal Energy Regulatory Commission
VADHR	Virginia Department of Historic Resources

## **1.0 INTRODUCTION**

Atlantic Coast Pipeline, LLC (Atlantic) – a company formed by four major energy companies – Dominion Energy, Inc.; Duke Energy Corporation; Piedmont Natural Gas Co., Inc.; and Southern Company Gas – proposes to construct and operate approximately 600 miles of natural gas transmission pipelines and associated aboveground facilities in West Virginia, Virginia, and North Carolina. This Project, referred to as the Atlantic Coast Pipeline (ACP), will deliver up to 1.5 million dekatherms per day of natural gas from supply areas in the Appalachian region to demand areas in Virginia and North Carolina. Atlantic has contracted with Dominion Energy Transmission, Inc. (Dominion Energy), a subsidiary of Dominion Energy, Inc., to construct and operate the ACP on behalf of Atlantic.

## **2.0 PURPOSE**

This plan identifies procedures to be implemented in the event that previously unreported and unanticipated cultural materials or human remains are found during construction of the ACP in Virginia. A separate plan identifying response procedures for crossings of Federal lands in the George Washington National Forest has been prepared for the ACP.

## **3.0 TRAINING**

Prior to the start of construction, Atlantic will conduct environmental training, including instruction on the identification of cultural materials, unmarked burials, and human remains, for Company and Contractor <sup>1</sup> personnel. The training program will focus on the Federal Energy Regulatory Commission's (FERC's) *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*; other construction, restoration, and mitigation plans, including this *Plan for Unanticipated Discovery of Historic Properties or Human Remains*; and applicable permit conditions. Atlantic also will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel.

## **4.0 UNANTICIPATED DISCOVERY OF CULTURAL MATERIALS OR HUMAN REMAINS**

The following measures will be implemented if known or suspected cultural materials, unmarked burials, or human remains are discovered during construction in Virginia:

1. The Contractor will stop work in the area of the find (i.e., within 100 feet of the find or the outer perimeter of a group of finds) to protect the integrity of the find.
2. The Contractor will notify Atlantic's Environmental Inspector (EI) <sup>2</sup> of the find. The Contractor will not restart work in the area of the find until approved by the EI.

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<sup>1</sup> Contractor or Contractors refer to the company or companies retained by Atlantic or another contractor to construct the proposed facilities.

<sup>2</sup> The role and responsibilities of an EI are defined in the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

3. The EI will notify Atlantic's Environmental Project Consultant, who will coordinate with the Archaeological Consultant to conduct a preliminary assessment of the find.
4. Following the investigation, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant by telephone regarding the preliminary assessment of the find.
5. Atlantic's Environmental Project Consultant will notify the Federal Energy Regulatory Commission (FERC) and Virginia Department of Historic Resources (VADHR), which serves as the State Historic Preservation Office, by telephone regarding the preliminary evaluation of the find.
6. Atlantic's Environmental Project Consultant will notify federally recognized tribes<sup>3</sup> (the Delaware Nation, the Catawba Indian Nation, and the Pamunkey Tribe) and Commonwealth recognized tribes (Cheroenhaka [Nottoway] Tribe, Chickahominy Tribe, Eastern Chickahominy Tribe, Mattaponi Tribe, Monacan Nation, Nansemond Tribe, Nottoway Tribe, Patowomeck Tribe, Rappahannock Tribe, and Upper Mattaponi Tribe) of the find.
7. If the materials found are cultural materials (e.g., artifacts or archaeological features), the procedures in Section 4.1 will be implemented. If the materials found are human remains, the procedures identified in Section 4.2 will be implemented.

#### **4.1 Discovery of Cultural Materials**

1. The EI will flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds).
2. Atlantic's Environmental Project Consultant will direct the Archaeological Consultant to begin an assessment of the significance of the find and the potential effect of construction on the site.
3. The Archaeological Consultant will assess and document the find within 2 days of its discovery.
4. If the Archaeological Consultant determines the find is not significant, and the FERC and VADHR concur, the Archaeological Consultant will notify Atlantic's Environmental Project Consultant that construction may proceed in the vicinity of the find without additional action. The Archaeological Consultant will prepare a

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<sup>3</sup> In a letter to the FERC dated December 1, 2014, the Delaware Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. In a letter to Atlantic dated August 25, 2016, the Catawba Indian Nation asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. In a meeting on May 3, 2017, the Pamunkey Tribe asked to be notified in the event of an unanticipated discovery of archaeological sites during construction. None of the other federally recognized Tribes consulted for the ACP asked to be notified in the event of an unanticipated find.

brief report on the find for submittal to the FERC and VADHR within 7 days of the discovery.

5. If the Archaeological Consultant determines that the find may be significant, and the FERC and VADHR concur, then the following additional steps will be implemented.
6. Atlantic's Environmental Project Consultant will notify other parties of the find as directed by the VADHR and FERC.
7. If the find is determined to be significant and continuing construction may damage more of the site, Atlantic's Environmental Project Consultant will request recommendations from the FERC, VADHR, and other parties recommended by the FERC and VADHR regarding measures for site treatment. These measures may include:
  - i) A variance request to re-route around the site,
  - ii) Formal archaeological evaluation of the site;
  - iii) Site visits by the FERC, VADHR, and other parties;
  - iv) Preparation of a mitigation plan by Atlantic for approval by the FERC and VADHR;
  - v) Implementation of the mitigation plan; and
  - vi) Approval to resume construction following completion of the fieldwork component of the mitigation plan.
8. If, upon further analysis by the Archaeological Consultant, the find is determined to lack significance, Atlantic's Environmental Project Consultant will consult with the FERC, VADHR, and other appropriate parties, and will request approval to resume construction subject, as warranted, to further mitigation required by the FERC.
9. Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to start work.

#### **4.2 Discovery of Unmarked Burials or Human Remains**

1. If unmarked human burial or skeletal remains are encountered during construction activities, Atlantic will comply with applicable provisions of the Virginia Antiquities Act (Section 10.1-2305) (see Section 6.0 below).
2. Atlantic's Environmental Project Consultant will direct the EI to flag or fence off the site (including the area within 100 feet of the find or the outer perimeter of a group of finds), and will notify the appropriate local law enforcement agency.

3. Atlantic's Environmental Project Consultant will notify the FERC of the find.
4. If the local law enforcement agency determines that the remains are not modern or do not reflect a crime scene, and/or if they otherwise relinquish their jurisdiction over the remains, the FERC will consult appropriate parties (e.g., VADHR, which will consult as appropriate with Commonwealth recognized Tribes; the Delaware Nation, Catawba Indian Nation, and Pamunkey Tribe; other federally recognized Tribes, as appropriate; and/or the landowner) regarding additional steps to be followed.
5. If it is determined that the remains are Native American, a reasonable effort will be made to identify, locate, and notify the appropriate Tribe.
6. All parties shall make a good faith effort to ensure that the general public is excluded from viewing any Native American burial site or associated funerary artifacts and shall release no photographs of any Native American burial site or associated funerary artifacts to the press or general public.
7. If it is determined that the remains are not Native American, a reasonable effort will be made to determine the identity or next of kin of the deceased.
8. The measures to protect the remains and associated artifacts will remain in effect until they have been fully evaluated, appropriate treatment of the discovery (if applicable) has been completed, and Atlantic has received written notice from the FERC to proceed with construction at the discovery site.
9. Atlantic's Environmental Project Consultant will notify the EI who will grant clearance to the Contractor to resume work in the vicinity of the find.



## **5.0 CONTACTS FOR UNANTICIPATED DISCOVERIES**

### **ATLANTIC CONTACTS:**

#### **Lead Environmental Inspector (Spread 3A):**

Name: Brady Russell  
Cell: 615-934-0239  
Email: [brady.russell@gmail.com](mailto:brady.russell@gmail.com)

#### **Lead Environmental Inspector (Spread 4):**

Name: Gavin Blosser  
Cell: 828-337-1249  
Email: [gavinblosser@aol.com](mailto:gavinblosser@aol.com)

#### **Lead Environmental Inspector (Spreads 4A and 5):**

Name: Manning Tagarook  
Cell: 859-583-3798  
Email: [manning.tagarook@gmail.com](mailto:manning.tagarook@gmail.com)

#### **Lead Environmental Inspector (Spreads 6 and 7):**

Name: Aaron Ruyle  
Cell: 918-814-5145  
Email: [AaronRuyle6@gmail.com](mailto:AaronRuyle6@gmail.com)

#### **Lead Environmental Inspector (Spread 11):**

Name: David Buchanan  
Cell: TBD  
Email: [dbuchanan@ensiteusa.com](mailto:dbuchanan@ensiteusa.com)

#### **Atlantic Environmental Project Consultant:**

Name: Spencer Trichell  
Phone: (804) 273-3472  
Cell: (804) 263-5980  
E-mail: [spencer.trichell@dominionenergy.com](mailto:spencer.trichell@dominionenergy.com)

#### **Archaeological Consultant:**

Name: William Stanyard  
Company: ERM  
Phone: (678) 781-1372  
Cell: (404) 317-0543  
E-mail: [bill.stanyard@erm.com](mailto:bill.stanyard@erm.com)

**FEDERAL CONTACTS:**

**FERC Project Archaeologist:**

Name: Ellen Armbruster  
Phone: (202) 502-8330  
Email: [ellen.armbruster@ferc.gov](mailto:ellen.armbruster@ferc.gov)

**COMMONWEALTH CONTACTS:**

**VADHR/STATE HISTORIC PRESERVATION OFFICE:**

Name: Julie Langan  
Phone: (804) 482-6087  
E-mail: [julie.langan@dhr.virginia.gov](mailto:julie.langan@dhr.virginia.gov)

**TRIBAL CONTACTS:**

**Federally Recognized Tribes:**

**Catawba Indian Nation**

Name: Wenonah Haire  
Phone: (803) 328-2427  
E-mail: [wenonahh@ccppcrafts.com](mailto:wenonahh@ccppcrafts.com)

**Delaware Nation, Cultural Preservation Office:**

Name: Nekole Alligood  
Phone: (405) 247-2448  
E-mail: [nalligood@delawarenation.com](mailto:nalligood@delawarenation.com)

**Pamunkey Tribe**

Name: Robert Gray, Chief  
Phone: (804) 339-1629  
E-mail: [rgray58@hughes.net](mailto:rgray58@hughes.net)

**Commonwealth Recognized Tribes:**

**Cheroenhaka (Nottoway) Tribe**

Name: Walt "Red Hawk" Brown, Chief  
Phone: (757) 562-7760  
E-mail: [wdbrowniii@aol.com](mailto:wdbrowniii@aol.com)

**Chickahominy Tribe**

Name: Steve Adkins, Chief  
Phone: (807) 829-5548, (804) 240-2214  
E-mail: [stephenradkins@aol.com](mailto:stephenradkins@aol.com)

**Eastern Chickahominy Tribe**

Name: Gene W. Adkins Chief  
Phone: (804) 966-2760  
E-mail: [pathlane@cox.net](mailto:pathlane@cox.net)

**Mattaponi Tribe**

Name: Mark Custalow, Chief  
Phone: (804) 769-8783  
E-mail: [mcustalow@gcaservices.com](mailto:mcustalow@gcaservices.com)

**Monacan Nation**

Name: Dean Branham, Chief  
Phone: (434) 907-2660  
E-mail: [mnation538@aol.com](mailto:mnation538@aol.com)

**Nansemond Tribe**

Name: Lee Lockamy, Chief  
Email: [lockamylee@yahoo.com](mailto:lockamylee@yahoo.com)

**Nottoway Tribe**

Name: Lynette Allston, Chief  
Phone: (434) 658-4454  
E-mail: [allstonfam@aol.com](mailto:allstonfam@aol.com)

**Patawomeck Tribe**

Name: John R. Lightner, Chief  
Phone: (540) 371-4437  
E-mail: [cowboy\\_john1@msn.com](mailto:cowboy_john1@msn.com)

**Rappahannock Tribe**

Name: G. Anne Richardson, Chief  
Phone: (804) 769-0260  
E-mail: [chiefannerich@aol.com](mailto:chiefannerich@aol.com)

**Upper Mattaponi Tribe**

Name: W. Frank Adams, Chief  
Phone: (804) 690-1694

**LOCAL LAW ENFORCEMENT CONTACTS:**

**Augusta County Sheriff:**

Name: Donald Smith  
Phone: (540) 245-5333  
Address: 127 Lee Highway, Verona, VA 24482

**Brunswick County Sheriff:**

Name: Brian Roberts  
Phone: (434) 848-3133  
Address: 120 E Hicks St, Lawrenceville, VA 23868

**Buckingham County Sheriff:**

Name: W.G. "Billy" Kid, Jr.  
Phone: (434) 969-1772  
Address: 13380 W James Anderson Hwy, Buckingham, VA 23921

**City of Chesapeake Chief of Police:**

Name: Col K. W. Wright  
Phone: (757) 382-6161  
Address: 304 Albemarle Drive, Chesapeake, VA 23322

**City of Suffolk Chief of Police**

Name: Thomas E. Bennett, Chief of Police  
Phone: (757) 514-7915  
Address: 304 Albemarle Drive, Chesapeake, VA 23322

**Cumberland County Sheriff:**

Name: Darrell Hodges  
Phone: (804) 492-4120  
Address: 1492 Anderson Hwy, Cumberland, VA 23040

**Dinwiddie County Sheriff:**

Name: D.T. "Duck" Adams  
Phone: (804) 469-4550  
Address: 14230 Sycamore Drive, Dinwiddie, VA 23841

**Greensville County Sheriff:**

Name: William T. "Tim" Jarratt, Jr.  
Phone: (434) 348-4200  
Address: 174 Uriah Branch Way, Emporia, VA 23847

**Highland County Sheriff:**

Name: David Neil  
Phone: (540) 468-2210  
Address: 145 W Main St, Monterey, VA 24465

**Nelson County Sheriff:**

Name: David Hill  
Phone: (434) 263-7050  
Address: 94 Courthouse Square, Lovingston, VA 22949

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**Nottoway County Sheriff:**

Name: Larry Parrish

Phone: (434) 645-9044

Address: 266 W Courthouse Rd, Nottoway Court House, VA 23955

**Prince Edward County Sheriff:**

Name: Wesley Reed

Phone: (434) 392-8101

Address: 124 S Main St, Farmville, VA 23901

**Southampton County Sheriff:**

Name: J.B. "Jack" Stutts

Phone: (757) 653-2100

Address: 22336 Main St, Courtland, VA 23837

## 6.0 REFERENCES

State of Virginia. 1991. *Virginia Antiquities Act*, Section 10.1-2305 of the *Code of Virginia*. Final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991. Available online at:  
<http://law.lis.virginia.gov/vacode/title10.1/chapter23/section10.1-2305/>. Accessed

**7.0 VIRGINIA ANTIQUITIES ACT, SECTION 10.1-2305 OF THE CODE OF VIRGINIA**

**§ 10.1-2305. Permit required for the archaeological excavation of human remains.**

A. It shall be unlawful for any person to conduct any type of archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial regardless of age of an archaeological site and regardless of ownership without first receiving a permit from the Director.

B. Where unmarked burials are not part of a legally chartered cemetery, archaeological excavation of such burials pursuant to a permit from the Director shall be exempt from the requirements of §§ 57-38.1 and 57-39. However, such exemption shall not apply in the case of human burials within formally chartered cemeteries that have been abandoned.

C. The Department shall be considered an interested party in court proceedings considering the abandonment of legally constituted cemeteries or family graveyards with historic significance. A permit from the Director is required if archaeological investigations are undertaken as a part of a court-approved removal of a cemetery.

D. The Board shall promulgate regulations implementing this section that provide for appropriate public notice prior to issuance of a permit, provide for appropriate treatment of excavated remains, the scientific quality of the research conducted on the remains, and the appropriate disposition of the remains upon completion of the research. The Department may carry out such excavations and research without a permit, provided that it has complied with the substantive requirements of the regulations promulgated pursuant to this section.

E. Any interested party may appeal the Director's decision to issue a permit or to act directly to excavate human remains to the local circuit court. Such appeal must be filed within fourteen days of the Director's decision.

Final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991, are available at 17 VAC 5-20-10 through 17 VAC 5-20-80 (<http://law.lis.virginia.gov/admincode/title17/agency5/chapter20/>).